



County of San Diego

LAND USE AND ENVIRONMENT GROUP

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TO: Supervisor Pam Slater-Price, Chairwoman
Supervisor Bill Horn, Vice Chair
Supervisor Greg Cox
Supervisor Dianne Jacob
Supervisor Ron Roberts

FROM: Chandra L. Wallar
Deputy Chief Administrative Officer

MARIJUANA DISPENSARY INTERIM URGENCY MORATORIUM ORDINANCE REPORT

On August 5, 2009(6), your Board took action enacting an interim urgency moratorium ordinance (interim ordinance) on the establishment of marijuana dispensaries. The interim ordinance allowed County staff the time needed to study how marijuana dispensaries should be permitted and determine appropriate regulations for such use, at the same time protecting the public health, safety and welfare of communities within the unincorporated County. The interim ordinance is set to expire on July 30, 2010.

Section 65858 of the California Government Code requires that 10 days prior to the expiration of the interim ordinance your Board issue a written report describing the measures taken to alleviate the condition which led to the adoption of the interim ordinance. On behalf of your Board, this memorandum serves as a report describing what measures have been taken to alleviate the need for the interim ordinance, as follows:

On June 30, 2010(5), your Board adopted ordinances relating to the regulation of medical marijuana collective facilities. The ordinances consist of amendments to the San Diego County Code of Regulatory Ordinances pertaining to the licensing and operational requirements relating to the establishment of medical marijuana collective facilities and amendments to the County Zoning Ordinance regarding the siting of medical marijuana collective facilities. The ordinances will serve to implement the Compassionate Use Act of 1996 and the State Medical Marijuana Program Act by establishing reasonable and uniform regulation and licensing requirements that will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes. The following specific measures have been implemented to address this requirement:

- Medical marijuana collective facilities would be limited to industrial zoned properties.

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- Medical marijuana collective facilities would be required to maintain a separation from:
 - Residentially zoned properties of 1000 feet
 - 1000 feet from certain sensitive land uses (schools, churches, playgrounds, etc...)
 - 1000 feet from other medical marijuana collective facilities
- Operating Certificate (Licensing): Applicants intending to operate medical marijuana collective would be required to apply for an operating certificate through the Sheriff's Department Licensing Division. The process involves compliance with the County's Uniform Licensing Procedure ordinances and includes the submission of necessary forms, background checks and the payment of fees.
- Infrastructure Requirements: The County Regulatory Code would require that medical marijuana collective facilities include certain infrastructure requirements as part of the facility, in order to assure the safety of the public and collective members. The requirements include the use of alarms, closed circuit television, and door, window and visibility requirements.
- Operating Requirements: To ensure public safety and compliance with State law, specific operational requirements are included in the County Regulatory Code. These include a record keeping component that is designed to show that the collective is operating as a "closed circuit" of non-profit cultivation and cost sharing among its members, and that members are "qualified patients" and "primary care givers" as defined by State law. The records would consist of membership rosters, care giving records, transactional accounting source identification and inspection agreements. The record keeping component of the ordinance is necessary to assure that the facilities operate as collectives and not as retail marijuana outlets.

This memorandum will be available for public viewing on the Department of Planning and Land Use's Advance Planning Division website (www.sdcounty.ca.gov/dplu/advance/index.html) in order to satisfy the requirements of Section 65858 of the Government Code.

If I can be of further assistance, please contact me or Eric Gibson, Director of the Department of Planning and Land Use, at (858) 694-2962.

Respectfully,



CHANDRA L. WALLAR
Deputy Chief Administrative Officer